

## DETAILED ACTION

### *Remarks*

1. This action is sent out in response to applicant's request to restart the time period for reply, dated January 22, 2010, due to the omission of claim 17 from the previous office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 3, 7-11, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasuga et al. (US 5,794,979).

Kasuga discloses a first and second parallel fuel tank (**3, 4**), wherein the second tank is lower than the first (Figs. 1-3);

a longitudinal movement stopping device (**11**) redirecting the longitudinal movement of the first tank;

a weakened portion (**19**) fixed to bottom of support structure (see Fig. 1), which has a first and second transverse width (Figs. 1-3 show a tapered in at the connection portion, resulting in a transverse width shorter than the rest of the support).

If a sufficient force is provided to the support, the weakened portion will fail.

left and right rockers (**13, 14**) which are crossrails extending in the vehicle transverse direction and comprise a falling out preventing structure which are part of the subframe

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and prevent the fuel tank from falling out, as the longitudinal direction between the rails is smaller than the diameter of the fuel tank (Figs. 1-3).

The positioning of the fuel tank shows that a longitudinal movement of the tank may be caused due to a vehicle collision, while the vehicle is moving forward.

Tank (3) sits partially above second tank (4); therefore a downward force on the upper tank would translate down to the second tank.

Kasuga also discloses fuel successively used from the first and second tank (Fig. 4; via supply lines 52 and 53).

Additionally, regarding claim 17, because the crossrails provided above (13, 14), which comprise a falling out preventing structure have a longitudinal direction between them which is smaller than the diameter of the fuel tank, the crossrails will support the second fuel tank upon breakage of the support, as there will be a nominal predetermined distance toward the floor that the fuel tank will move.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuga. Kasuga discloses as discussed above, but does not directly disclose a third fuel tank. However, it would have been obvious to a person having ordinary skill in the art at the

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time of the invention to include an additional fuel tank in order to provide additional reserve fuel for the vehicle.

***Allowable Subject Matter***

6. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 9/9/2009 have been fully considered but they are not persuasive. The applicant argues that the previous reference did not disclose a tank support having a first and second transverse width; however, that portion of the claim is provided on the currently amended claim, and has been addressed above. Additionally examiner contends that when a large enough (predetermined) force is applied to the support, it will break.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/  
Examiner, Art Unit 3611

MLW  
March 23, 2010

/LESLEY D MORRIS/  
Supervisory Patent Examiner, Art Unit 3611